

REMARKS/ARGUMENTS

The Office Action dated June 08, 2005, has been received and reviewed by the applicants. Claims 1-27 are in the application. Claims 1, 7, 9-11, 13, 15-18, 20, 22-24 and 26 stand rejected and claims 1, 3, 4 and 6-27 stand objected to. This paper has amended claim 22 to more particularly point out that which the applicants regard as the invention.

1. Claims 1, 7, 9-11, 13, 15-18, 20, 22-24 and 26 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. 6,185,383 to Kanari et al. (Kanari).

The applicants thank the Examiner for his thorough review of this application. The applicants agree with the Examiner that Kanari does not disclose a "heat exchange medium" and strongly disagree with the Examiner's assertion that technically electricity is a heat exchange medium under the patent laws and rules. Patent law, as supported by the recent CAFC decision *Phillips v. AWH Corp.* (Fed. Cir. 2005) (*en banc*), clearly states that words in the claims of an application are given their ordinary meaning using the specification as a basis of that meaning. It is well established that ordinary meaning refers to the ordinary meaning to a person skilled in the art at the time the application was filed after having read the claim term both in context of the claim and in the context of the entire specification.

Kanari discusses a ceramic heater 100 also referred to as heater 1 (Col. 7, lines 38) that is heated by heating elements (Col. 2, lines 38-49) using electricity (Col. 3, lines 10-12, Col. 9, lines 50-54). Electricity is not a "flow of heat exchange medium" because one skilled in the art would not consider the "flow of heat exchange medium" described and claimed in the present application to be electricity. Note that the applicants of the present invention, in the background of the specification, explained that this invention was necessary to overcome problems associated with prior methods that included, among other methods of heating, electrical resistance heaters.

Independent claims 1, 9, 15, including the amended claim 22, claim a roller system or process heated by a "flow of heat exchange medium" along with associated devices such as a supply and return tubes in claims 2-3 and

valves and pumps in claims 4-5. The specification clearly describes a “heat exchange medium that may be oil ...phase change materials. (pg 2, lines 11-15). The specification continues to describe elements that would be associated with these materials including boilers, tubes, reservoirs, pumps, valves and other devices that are not commonly associated with moving electrons. The specification has clearly defined “heat exchange medium” and it is not electricity. This is consistent with the definition of “heat exchange medium” used by those that are skilled in the art. Accordingly, it is respectfully submitted that Kanari ‘383 does not anticipate the present claimed invention and that independent claims 1,9, 15, and 22, and the claims dependent thereon, which are the claims remaining in this Application, are now allowable.

2. Claims 6, 8, 12, 14, 19, 21, 25 and 27 stand objected to under 35 U.S.C. 103(a) as obvious in light of Kanari in view of U.S. 2003/0103789 to Boss (Boss).

The applicants agree that Kanari does not disclose a flow rate proportional to a speed of the receivers that pass through the fixing system or a temperature that is marking material dependent.

Boss does not add anything to Kanari that would make it obvious to replace the electrical heating element of Kanari with the “heat exchange medium” claimed by the applicants. Boss describes an electrical or quartz heater (Paragraph 19) similar to that described in Kanari. There is no discussion in Boss of a “heat exchange medium” as claimed in the present application. The fact that there is also a controller does nothing to make the claimed invention obvious.

3. Claims 6, 8, 12, 14, 19, 21, 25 and 27 stand objected to under 35 U.S.C. 103(a) as obvious in light of Kanari in view of U.S. 6,271,870 to Jacob et al. (Jacob).

The applicants agree that Kanari does not disclose a flow rate proportional to a speed of the receivers that pass through the fixing system or a temperature that is marking material dependent.

Jacob does not add anything to Kanari that would make it obvious to replace the electrical heating element of Kanari with the "heat exchange medium" claimed by the applicants. Jacob does not even describe the claimed heater except tangentially in Col 2, line 28 which mentions that there are heated rollers. The fact that there is also a controller does nothing to make the claimed invention obvious.

4. Claims 1, 3, 4 and 6 –27 stand objected to under 35 U.S.C. 103(a) as obvious in light of Verkasalo et al. in view of U.S. 4,757,582 to Cernusak et al. (Cernusak).

The applicants agree that Verkasalo does not disclose a fixing system or a fixing process as claimed in the present application. Verkasalo describes a system and process for a calendar roller that is used for controlling the transverse thickness profile of a web by controlling the axial profile of the roller mantle diameter (Col 2, lines 5-12) by controlling the temperature in the mantle of the roller (Col 2, lines 15-17). A calendar roller, as known to one skilled in the art, is a roller that flattens one or both sides of a screen mesh. Verkasalo does not disclose a "fixing roller with at least a first and second heating zone defined within the fixing roller" when he describes a system process using a calendar roller.

Cernusak discloses a fuser but does not disclose how to make or use a heated fuser. Cernusak does not add anything to Verkasalo that would make the "heat exchange medium" claimed by the Applicants obvious. As discussed above, Verkasalo discloses a calendar roller with a heated mantle that is used to change the thickness of a web. In contrast Cernusak discloses a heat fuser having controllable heaters without disclosing how to make those fusers. Cernusak does not discuss the use of a calendar roller or a heated mantle for changing the thickness of a web. These two types of printing operations could not be combined to make the present claimed invention obvious.

5. Claims 2 and 5 stand objected to under 35 U.S.C. 103(a) as obvious in light of Verkasalo and Cernusak in view of U.S. 4,282,638 to Christ et al. (Christ).

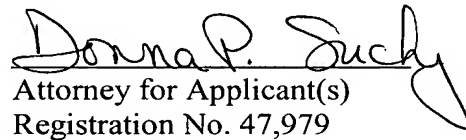
Christ does not add anything to Verkasalo and Cernusak that would make the present claimed invention obvious as discussed above.

The applicants are not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. §1.99.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments in connection with this communication to Eastman Kodak Company, Deposit Account No. 05-0225. **A duplicate copy of this request is enclosed.**

Respectfully submitted,


Attorney for Applicant(s)
Registration No. 47,979

Donna P. Suchy/TAM
Rochester, NY 14650
Telephone: 585-722-9844
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.